

REMARKS

Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, because the phrase “especially” renders the claim indefinite since it includes elements not actually disclosed (those encompassed by “especially”), thereby rendering the scope of the claim unascertainable. Applicant has cancelled claim 1 and substituted claim 9 and respectfully submits that this rejection has been overcome. Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1–8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,449,544 to Ogawa et al.

Specifically, the Examiner states that Ogawa et al. disclose “an extruded weather strip having a base body (fig. 2: W1) having a sealing portion (3) made of a first elastomeric material and a fastening portion (2 & 7) made from a second elastomeric material with a cellular (sponge) and rubber structure, and an adhesive surface (6).”

Claims 1, 6 and 7 have been cancelled. Claims 9 and 10 have been added, wherein claim 9 is the only independent claim. Claims 2–5 and 8 have been amended to depend directly from claim 9.

Applicant has added claim 9 to even more particularly point out and distinctly claim the invention. At least one limitation of Claim 9 and therefore of all of the claims 2–5, 9–10, is not shown by Ogawa et al. In claim 9, the fastening lip is claimed as being spaced apart from the sealing portion by a gap. In Ogawa, the weather strip is shown in the figures without a gap between the sealing element (3) and the trim portion (2) and there is no mention of a gap

between the sealing element (3) and the trim portion (2) in the Ogawa specification. Clearly, Ogawa et al. do not disclose the claim limitation of "a fastening lip spaced apart from the sealing portion by a gap." Therefore, claim 9 cannot be anticipated by Ogawa et al.

Applicant submits that these amendments clearly put the case in condition for allowance and distinguish over the art of record.

Each of the matters having been addressed, reconsideration and favorable action are requested.

Respectfully submitted,



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